

# Exhibit 1



Paul Geske <pgeske@mcgpc.com>

---

## RE: Freshour v. Cerence - Deponent Availability

25 messages

**Wolfe, Matthew (SHB)** <[MWOLFE@shb.com](mailto:MWOLFE@shb.com)>

Tue, Jun 3, 2025 at 5:15 PM

To: David Gerbie <[dgerbie@mcgpc.com](mailto:dgerbie@mcgpc.com)>

Cc: Colin Buscarini <[cbuscarini@mcgpc.com](mailto:cbuscarini@mcgpc.com)>, Paul Geske <[pgeske@mcgpc.com](mailto:pgeske@mcgpc.com)>, "Keeley, Mehgan E. H. (SHB)" <[mkeeley@shb.com](mailto:mkeeley@shb.com)>, Myles McGuire <[mmcguire@mcgpc.com](mailto:mmcguire@mcgpc.com)>, Brendan Duffner <[bduffner@mcgpc.com](mailto:bduffner@mcgpc.com)>

Thank you for reducing the requested depositions for now. We will look into the five individuals listed below and try to get back to you this week.

Will your office be sending a draft status report? It is due tomorrow at noon.

**Matthew C. Wolfe**

*Partner, Business Litigation*

*Chair, Biometric Privacy Practice*

Shook, Hardy & Bacon L.L.P.

111 S. Wacker Dr.

Chicago, IL 60606

312.704.7777 | [mwolfe@shb.com](mailto:mwolfe@shb.com) | Bio

He/Him/His

---

**From:** David Gerbie <[dgerbie@mcgpc.com](mailto:dgerbie@mcgpc.com)>

**Sent:** Tuesday, June 3, 2025 2:59 PM

**To:** Wolfe, Matthew (SHB) <[MWOLFE@shb.com](mailto:MWOLFE@shb.com)>

**Cc:** Colin Buscarini <[cbuscarini@mcgpc.com](mailto:cbuscarini@mcgpc.com)>; Paul Geske <[pgeske@mcgpc.com](mailto:pgeske@mcgpc.com)>; Keeley, Mehgan E. H. (SHB) <[mkeeley@shb.com](mailto:mkeeley@shb.com)>; Myles McGuire <[mmcguire@mcgpc.com](mailto:mmcguire@mcgpc.com)>; Brendan Duffner <[bduffner@mcgpc.com](mailto:bduffner@mcgpc.com)>

**Subject:** Re: Freshour v. Cerence - Deponent Availability

**EXTERNAL**

Matt,

Thanks for confirming those dates. As you know I'm currently on paternity leave, and Paul is out of the country on his honeymoon. I expect that we will take the depositions in person, but will have to firm up with Paul when he gets back in 10 days.

Separately, we are under no obligation to disclose litigation strategy in order to depose individuals whom we have identified as having relevant testimony. That being said, we appreciate you being willing to work with us, and your concern about going over the ten-deposition limit is well taken. We will endeavor to keep it as close to ten depositions as possible, including the 30(b)(6), and if more are needed we hope you will accommodate, and if not we'll seek leave of Court if necessary. But, again, we're not certain we'll need to exceed the limit.

Can you confirm whether you will make any of the following individuals available for depositions, and if so, please provide dates?

Roman Steiger

Jorge Tsuboyama

Udo Haiber

Holger Quast

Jochen Hardegger

The five identified above plus the three already agreed to and the 30(b)(6) makes nine.

We will get you the 30(b)(6) ASAP.

Thanks,

David

On Tue, Jun 3, 2025 at 7:00 AM Wolfe, Matthew (SHB) <[MWOLFE@shb.com](mailto:MWOLFE@shb.com)> wrote:

We have confirmed Cashman for July 10, Hamerich for July 15, and Tropp for July 17. All three would be presented in the Boston area. Please confirm and let us know if you intend to take the depositions by Zoom or in person. Thanks.

**Matthew C. Wolfe**

*Partner, Business Litigation*

*Chair, Biometric Privacy Practice*

Shook, Hardy & Bacon L.L.P.

[111 S. Wacker Dr.](#)

[Chicago, IL 60606](#)

312.704.7777 | [mwolfe@shb.com](mailto:mwolfe@shb.com) | [Bio](#)

*He/Him/His*

---

**From:** Wolfe, Matthew (SHB) <[MWOLFE@shb.com](mailto:MWOLFE@shb.com)>

**Sent:** Thursday, May 29, 2025 5:42 PM

**To:** David Gerbie <[dgerbie@mcgpc.com](mailto:dgerbie@mcgpc.com)>

**Cc:** Colin Buscarini <[cbuscarini@mcgpc.com](mailto:cbuscarini@mcgpc.com)>; Paul Geske <[pgeske@mcgpc.com](mailto:pgeske@mcgpc.com)>; Keeley, Mehgan E. H. (SHB)

<[mkeeley@shb.com](mailto:mkeeley@shb.com)>; Myles McGuire <[mmcguire@mcgpc.com](mailto:mmcguire@mcgpc.com)>; Brendan Duffner <[bduffner@mcgpc.com](mailto:bduffner@mcgpc.com)>

**Subject:** RE: Freshour v. Cerence - Deponent Availability

Please provide the rationale for all those depositions. To us, 10 Cerence fact-witness depositions, plus a Rule 30(b)(6) deposition, seems excessive, including because you've also indicated that you intend to depose third parties, all of which would put you over the 10-deposition limit. We are willing to work with you, but would like to better understand what you are trying to achieve.

Relatedly, please send your thoughts on Rule 30(b)(6) topics, as that also might help provide context and streamline things.

**Matthew C. Wolfe**

*Partner, Business Litigation*

*Chair, Biometric Privacy Practice*

Shook, Hardy & Bacon L.L.P.

111 S. Wacker Dr.

Chicago, IL 60606

312.704.7777 | [mwolfe@shb.com](mailto:mwolfe@shb.com) | Bio

*He/Him/His*

---

**From:** David Gerbie <[dgerbie@mcgpc.com](mailto:dgerbie@mcgpc.com)>

**Sent:** Thursday, May 29, 2025 2:17 PM

**To:** Wolfe, Matthew (SHB) <[MWOLFE@shb.com](mailto:MWOLFE@shb.com)>

**Cc:** Colin Buscarini <[cbuscarini@mcgpc.com](mailto:cbuscarini@mcgpc.com)>; Paul Geske <[pgeske@mcgpc.com](mailto:pgeske@mcgpc.com)>; Keeley, Mehgan E. H. (SHB) <[mkeeley@shb.com](mailto:mkeeley@shb.com)>; Myles McGuire <[mmcguire@mcgpc.com](mailto:mmcguire@mcgpc.com)>; Brendan Duffner <[bduffner@mcgpc.com](mailto:bduffner@mcgpc.com)>

**Subject:** Re: Freshour v. Cerence - Deponent Availability

**EXTERNAL**

Thanks Matt, what about the remainder of the individuals we identified?

Can you confirm whether they will be produced and, for those who will be produced, provide dates prior to our JSR due next week?

On Thu, May 29, 2025 at 1:51 PM Wolfe, Matthew (SHB) <[MWOLFE@shb.com](mailto:MWOLFE@shb.com)> wrote:

We will take Freshour's deposition on June 18 and Allan's July 11. We will send deposition notices today or tomorrow.

Cashman is confirmed for July 10.

We are working to get firm dates for Hamerich and Tropp and hope to be in touch with you about those tomorrow or early next week at the latest.

Matt

**Matthew C. Wolfe**

*Partner, Business Litigation*

*Chair, Biometric Privacy Practice*  
Shook, Hardy & Bacon L.L.P.

[111 S. Wacker Dr.](#)

[Chicago, IL 60606](#)  
312.704.7777 | [mwolfe@shb.com](mailto:mwolfe@shb.com) | [Bio](#)  
*He/Him/His*

---

**From:** Colin Buscarini <[cbuscarini@mcgpc.com](mailto:cbuscarini@mcgpc.com)>  
**Sent:** Tuesday, May 27, 2025 6:48 PM  
**To:** Wolfe, Matthew (SHB) <[MWOLFE@shb.com](mailto:MWOLFE@shb.com)>  
**Cc:** Paul Geske <[pgeske@mcgpc.com](mailto:pgeske@mcgpc.com)>; Keeley, Mehgan E. H. (SHB) <[mkeeley@shb.com](mailto:mkeeley@shb.com)>; Myles McGuire <[mmcguire@mcgpc.com](mailto:mmcguire@mcgpc.com)>; Brendan Duffner <[bduffner@mcgpc.com](mailto:bduffner@mcgpc.com)>; David Gerbie <[dgerbie@mcgpc.com](mailto:dgerbie@mcgpc.com)>  
**Subject:** Re: Freshour v. Cerence - Deponent Availability

**EXTERNAL**

Matt,

Regarding Plaintiff Allan's availability for his deposition, he can appear on July 11, 14, and 15. For the dates of July 14th and 15th, his deposition will have to begin no earlier than 1:00 P.M. However, he can be available on both such dates successively if needed.

Thanks,

Colin Buscarini

Colin P. Buscarini  
McGUIRE LAW, P.C.  
[55 W. Wacker Dr., 9th Fl.](#)  
Chicago, Illinois 60601  
[cbuscarini@mcgpc.com](mailto:cbuscarini@mcgpc.com)  
T: (312) 893-7002 ext: 2908  
D: (312) 820-9008  
F: (312) 275-7895  
[www.mcgpc.com](http://www.mcgpc.com)

**CONFIDENTIALITY NOTE:**

This e-mail is intended only for the individual or entity to which it is addressed and may contain information that is privileged or confidential under applicable law. If the reader of this e-mail message is not the intended recipient, or the employee or agent responsible for delivery of the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is prohibited. If you have received this e-mail in error, please notify us immediately by telephone at (312) 893-7002 and indicate the sender's name. Thank you.

On May 27, 2025, at 5:37 PM, Wolfe, Matthew (SHB) <[MWOLFE@shb.com](mailto:MWOLFE@shb.com)> wrote:

Colin,

Do you have any more information on whether Allan is available June 11, 12, or 13?

**Matthew C. Wolfe**

*Partner, Business Litigation*

*Chair, Biometric Privacy Practice*

Shook, Hardy & Bacon L.L.P.

[111 S. Wacker Dr.](#)

[Chicago, IL 60606](#)

312.704.7777 | [mwolfe@shb.com](mailto:mwolfe@shb.com) | [Bio](#)

*He/Him/His*

**From:** Paul Geske <[pgeske@mcgpc.com](mailto:pgeske@mcgpc.com)>

**Sent:** Friday, May 23, 2025 5:41 PM

**To:** Wolfe, Matthew (SHB) <[MWOLFE@shb.com](mailto:MWOLFE@shb.com)>

**Cc:** Keeley, Mehgan E. H. (SHB) <[mkeeley@shb.com](mailto:mkeeley@shb.com)>; Colin Buscarini <[cbscarini@mcgpc.com](mailto:cbscarini@mcgpc.com)>; Myles McGuire <[mmcguire@mcgpc.com](mailto:mmcguire@mcgpc.com)>; Brendan Duffner <[bduffner@mcgpc.com](mailto:bduffner@mcgpc.com)>; David Gerbie <[dgerbie@mcgpc.com](mailto:dgerbie@mcgpc.com)>

**Subject:** Re: Freshour v. Cerence - Deponent Availability

**EXTERNAL**

Hi Matt,

We'll double check with Plaintiff Allan as there may have been a miscommunication.

On Fri, May 23, 2025 at 11:19 AM Wolfe, Matthew (SHB) <[MWOLFE@shb.com](mailto:MWOLFE@shb.com)> wrote:

Regarding Allan, did you mean June 11, 12, or 13? July 12 and 13 are a Saturday and a Sunday.

**Matthew C. Wolfe**

*Partner, Business Litigation*

*Chair, Biometric Privacy Practice*

Shook, Hardy & Bacon L.L.P.

[111 S. Wacker Dr.](#)

[Chicago, IL 60606](#)

312.704.7777 | [mwolfe@shb.com](mailto:mwolfe@shb.com) | [Bio](#)

He/Him/His

**From:** Wolfe, Matthew (SHB) <[MWOLFE@shb.com](mailto:MWOLFE@shb.com)>  
**Sent:** Thursday, May 22, 2025 6:34 PM  
**To:** Paul Geske <[pgeske@mcgpc.com](mailto:pgeske@mcgpc.com)>  
**Cc:** Keeley, Mehgan E. H. (SHB) <[mkeeley@shb.com](mailto:mkeeley@shb.com)>; Colin Buscarini <[cbscarini@mcgpc.com](mailto:cbscarini@mcgpc.com)>; Myles McGuire <[mmcguire@mcgpc.com](mailto:mmcguire@mcgpc.com)>; Brendan Duffner <[bduffner@mcgpc.com](mailto:bduffner@mcgpc.com)>; David Gerbie <[dgerbie@mcgpc.com](mailto:dgerbie@mcgpc.com)>  
**Subject:** RE: Freshour v. Cerence - Deponent Availability

Thank you. We take it you are not able to provide any earlier dates for Allan?

We will review the proposed dates for Cerence depositions and get back to the McGuire team.

We hope you have an excellent wedding and honeymoon and wish you a long and happy marriage.

Matt

**Matthew C. Wolfe**

*Partner, Business Litigation*

*Chair, Biometric Privacy Practice*  
Shook, Hardy & Bacon L.L.P.

[111 S. Wacker Dr.](#)

[Chicago, IL 60606](#)  
312.704.7777 | [mwolfe@shb.com](mailto:mwolfe@shb.com) | [Bio](#)  
He/Him/His

**From:** Paul Geske <[pgeske@mcgpc.com](mailto:pgeske@mcgpc.com)>  
**Sent:** Thursday, May 22, 2025 4:02 PM  
**To:** Wolfe, Matthew (SHB) <[MWOLFE@shb.com](mailto:MWOLFE@shb.com)>  
**Cc:** Keeley, Mehgan E. H. (SHB) <[mkeeley@shb.com](mailto:mkeeley@shb.com)>; Colin Buscarini <[cbscarini@mcgpc.com](mailto:cbscarini@mcgpc.com)>; Myles McGuire <[mmcguire@mcgpc.com](mailto:mmcguire@mcgpc.com)>; Brendan Duffner <[bduffner@mcgpc.com](mailto:bduffner@mcgpc.com)>; David Gerbie <[dgerbie@mcgpc.com](mailto:dgerbie@mcgpc.com)>  
**Subject:** Re: Freshour v. Cerence - Deponent Availability

**EXTERNAL**

Hi Matt,

I'm following up about deposition scheduling. We are still confirming, but Plaintiff Freshour should be able to sit for a deposition June 18, 19, or 20. Plaintiff Allan can be available July 11, 12, or 13.

For Cerence's deponents, let us know if the following dates will work:

- Cashman: July 10
- Tropp: July 15 (in the U.S.)
- Hamerich: July 17 (in the U.S.)

With respect to the locations of the Cerence employee depositions, we are open to discussing what makes the most sense based on where the witnesses are located and/or will be traveling to. We would still like to get dates for Roman Steiger, Holger Quast, Jochen Hardegger, and Udo Haiber. Please let us know if Cerence would be amenable to having them travel to the U.S. to sit for a deposition.

Additionally, please let us know if Cerence is willing to produce the following individuals:

- Jorge Tsuboyama
- Mudassir Rasool
- Charlotte Costigan

I will be unavailable after this Friday for several weeks, but please feel free to continue coordinating with my colleagues Colin Buscarini and David Gerbie.

Thanks,

Paul

On Thu, May 15, 2025 at 1:33 PM Wolfe, Matthew (SHB) <[MWOLFE@shb.com](mailto:MWOLFE@shb.com)> wrote:

Paul,

Given Judge Rowland's comments at the initial status hearing about the generosity of the schedule, we think we should try to get some dates on the calendar before any extension is requested, especially given that there are still 2.5 months left in the original schedule. Please let us know about potential dates.

Also, regarding Colin's request that we refer discovery disputes to the magistrate judge, given that there are no current ripe discovery disputes, we do not see any reason to do so at this time.

Finally, we are working on a privilege log and anticipate serving it in the near future.

Matt